



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 29, 1996

Ms. Elaine S. Hengen
Assistant City Attorney
Office of the City Attorney
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901-1196

OR96-0283

Dear Ms. Hengen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38799.

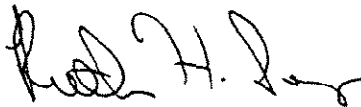
The City of El Paso (the "city") received four requests for information concerning a particular accident report. You contend that portions of the report may be excepted from required public disclosure under section 552.101 of the Government Code.

We have reviewed the information submitted for our consideration. We agree, in light of the facts presented to this office, that the city may withhold the information it has highlighted under section 552.101 of the Government Code. The remaining information must be released to the requestors.¹

¹You note that section 550.065 of the Transportation Code contradicts amendments made to V.T.C.S. article 6701d, section 47 by the Seventy-fourth Legislature. Article 6701d, as well as other statutes relating to transportation, was repealed by the Seventy-fourth Legislature upon adopting the Transportation Code. Act of May 1, 1995, 74th Leg., R.S., ch. 165, §§ 1, 24, 1995 Tex. Sess. Law Serv. 1025, 1870-71 (adopting Transp. Code; repealing certain acts and articles compiled in civil statutes). However, the Seventy-fourth Legislature also without reference to its repeal amended section 47 of article 6701d, V.T.C.S. Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413, 4414. The repeal of a statute by a code does not affect an amendment of the statute by the same legislature that enacted the code. Gov't Code § 311.031. Accordingly, the amendment to section 47 is preserved and given effect as part of the Transportation Code. *Id.* There is no need to harmonize the two provisions. Section 47, V.T.C.S. article 6701d, is the statutory predecessor of Transportation Code section 550.065, and its amendment is the current law.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/LBC/ch

Ref: ID# 38799

Enclosures: Marked documents

cc: Ms. Laura Carsner
1201 Airways
El Paso, Texas 79925
(w/o enclosures)

Mr. Gregory Howard
9900 Montana, Suite B
El Paso, Texas 79925
(w/o enclosures)

Mr. Alexander Jimenez
1906 Lee Trevino, Suite C
El Paso, Texas 79936
(w/o enclosures)

Dr. Paul Rodriguez
Vista Hills Chiropractic
2295 Trawood, Suite E
El Paso, Texas 79935
(w/o enclosures)